D.B. CIVIL SPECIAL APPEAL (W) NO.576/2007
Mahaveer Prasad Vs. The Appellate Rent Rribunal & Ors.
Date : 30.5.2007

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE BHANWAROO KHAN

Mr. L.S. Jodha for the appellant.

Heard learned counsel for the appellant.

The eviction application having been dismissed on finding of fact that the respondent landlord needs the suit premises reasonably and bonafide for his own use and occupation, the petition preferred by the petitioner has been dismissed by the learned Single Judge declining to interfere in the findings of fact in extra-ordinary jurisdiction. However, granted time to the petitioner for evicting the premises within a year at his request.

Law is well settled that the finding about reasonable and bonafide necessity is a finding of fact and not liable to be interfered with even under second appeal, if the same were provided under the Civil Procedure Code. The jurisdiction to interfere with the finding of fact is still limited in extra-ordinary jurisdiction. Except arguing the matter as an appeal nothing has been pointed out which could vitiate the finding recorded by the Rent Appellate Tribunal.

The appeal accordingly, fails and is hereby dismissed.

[BHANWAROO KHAN], J. **[RAJESH BALIA], J.**

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